



STATE OF NEVADA
STATE CONSERVATION COMMISSION
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MINUTES
STATE CONSERVATION COMMISSION

Thursday, August 16, 2007

**Department of Conservation and Natural Resources at the
Richard H. Bryan Building, 901 S. Stewart Street,
2nd floor Hearing Room, Carson City, NV 89701**

The Nevada State Conservation Commission held a public meeting on August 16, 2007 at 10:00am in Carson City, NV at the Department of Conservation and Natural Resources at the Richard H. Bryan Building, 901 S. Stewart Street, 2nd floor Hearing Room, Carson City, NV 89701.

The State Conservation Commission considered and acted on the following items on August 16, 2007:

Board Members Present: Keith Whipple, Chairman – Lincoln County Conservation District; Joe Sicking, Vice-Chairman – Paradise-Sonoma Conservation District; Donna Lamm – Southern Nye County Conservation District; Judy Currier – Conservation District of Southern Nevada; Vance Vesco – Big Meadow Conservation District; Eric Rieman – Carson Valley Conservation District; Chris Freeman – Nevada Tahoe Conservation District; Dr. Rangesan Narayanan, Associate Dean – UNR College of Agriculture; Edward K. Foster, Regional Manager/Plant Industry - NV Department of Agriculture.

Board Members Absent: No Board Members were absent.

Others Present: Pamela B. Wilcox, Executive Secretary – NV Division of Conservation Districts; Kelly McGowan – NV Division of Conservation Districts; Sandi Gotta – NV Division of Conservation Districts; Shanea Evans – NV Division of Conservation Districts; Nhu Nguyen, Deputy Attorney General, NV Attorney General's Office; Assemblyman James Settelmeyer; William Elder, Natural Resource Conservation Service (for Richard Vigil, State Conservationist); Rex Reed, Administrative Services Officer - NV Department of Conservation and Natural Resources; Connie Lee – NV Department of Wildlife; Kay Scherer, Deputy Director – NV Department of Conservation and Natural Resources; Bob Conrad, Communications Officer – NV Department of Conservation and Natural Resources; Cy Ryan – Las Vegas Sun; Geoff Dornan – Nevada Appeal; Joann Hanks – Lahontan Conservation District; Dan Kaffer – Natural Resource Conservation Service and Western Nevada RC&D.

I. CALL TO ORDER

- A. Chairman Keith Whipple called the meeting to order at 10:00am. Introductions were made of those attending the meeting.
- B. Welcoming of new Commission members: Donna Lamm – Southern Nye County Conservation District; Eric Rieman – Carson Valley Conservation District; Chris Freeman – Nevada Tahoe Conservation District.

II. REVIEW AND APPROVAL OF AGENDA - *ACTION*

- A. Joe Sicking made the motion to approve the agenda with the note that items on the agenda will be taken out of order to accommodate guests giving reports. Vance Vesco seconded the motion, motion passed.

III. REVIEW, AMENDMENT AND APPROVAL OF MINUTES - *ACTION*

- A. Ed Foster moved to approve the minutes from the State Conservation Commission on June 13, 2007. Chris Freeman seconded the motion, motion passed.

IV. PUBLIC COMMENTS

- A. Three minute time limit per person, limited to items not on the agenda.
 - 1. There were no public comments.

V. REPORTS TO THE COMMISSION

A. Status of the Division of Conservation Districts

- 1. Fiscal Report – Pamela B. Wilcox
 - a. Fiscal Year 2007 has come to a close. The Division of Conservation Districts is reverting \$13,937.68 back in to the General Fund. \$13,647.36 of that is in Category 01 – Personnel Services.
 - b. Fiscal Year 2008 Budget:
 - 1. There was an increase in funding. The Division received an increase in Category 02 – Out-of-State travel and Category 03 – In-State travel.
 - 2. Category 03 – In-State Travel: After encumbering approximate expenses for four face-to-face State Conservation Commission meetings, the balance in this category is \$97.05. This is due to the travel per diem rate increase.
 - 3. There is a new category in the budget this year. It is Category 62 – Grants AB629. This category is the new funding that was passed in the legislature this year on AB629.
 - (a) Keith Whipple asked if the new grant money, once it has been received by the Districts, can be used to reimburse the State Employee's travel expenses; for example, if a District needed the State to come and review a project or needed assistance at a meeting, could that District reimburse the State employee for their travel expenses – including per diem, hotel, etc. Deputy Attorney General Nhu Nguyen responded that she would research the matter and report back to the Commission.
- 2. General – Pamela B. Wilcox
 - a. Review of NRS 548 and NAC 548.
- 3. Conservation Districts Meeting Logs – Kelly McGowan and Sandi Gotta
 - a. Fiscal Year 2007 and Fiscal Year 2008 Minute and Agenda Logs:

1. These logs are available on the Division's website at: <http://www.dcd.nv.gov/forms.htm>. The legend for the logs is as follows: Blank Cells indicate that the Division has no information on file for that month; Red Cells indicate that Minutes or Agendas were received after the 30 day deadline – NAC 548.110 (4); Blue Cells indicate that no agenda is on file, but minutes were received, or that no minutes are on file, but an agenda was received; "E" indicates elections; "F" indicates Final; "D" indicates Draft.

2. There is a new system for recording the receipt of minutes and agendas by the Division. All minutes and agendas that are received, either electronically, faxed or mailed, will be given to the Administrative Assistant II, currently Shanea Evans. Ms. Evans will be handling the recording of the minutes and agendas into the logs, this will ensure that there are no duplicates and the correct received date is reflected in the logs. Also Ms. Evans now has access to the Division's website, so she can now maintain the website and post daily updates of the logs.

4. General/Correspondence – Kelly McGowan and Sandi Gotta

a. Measurement Indicators for the end of Fiscal Year 2007:

1. The year-to-date ratio of dollars generated by Districts for every dollar of State grants received from the Division of Conservation Districts was 27.14:1. This means for every \$1 of State grants received, the Districts matched that amount at \$27.14.
2. The year-to-date ratio of Conservation Districts in good standing to the total number of Conservation Districts was 28/28. This means that 28 Districts are considered in good standing.
3. The year-to-date ratio of the number of requests for assistance to Conservation Districts completed to the total number of assistance requests received is 266/266. This means that there were 266 requests for assistance, and 266 of those requests were completed.
4. The amount of non-state funding generated by Division staff for Conservation District programs was \$0.00.
5. The number of District supervisors/staff contacted annually was 552. This contact included e-mail correspondence, phone calls and mailings.
6. The year-to-date ratio of the number of Conservation District meetings attended to the number of meeting held was 56/145. This means that 56 District meetings were attended by Division Staff, and there were a total of 145 District meetings held.
7. The year-to-date ratio of the number of Conservation District Supervisors training sessions help to the number of Supervisor training sessions requested was 7/7.
8. The number of multi-agency coordination meetings attended was 59.
9. The number of State Conservation Commission Meetings held was 6.
10. The number of newsletters published was 0.

11. The number of meetings attending related to the Tahoe EIP was 0.

b. The Commission reviewed all correspondence to Districts that the Division sent out. This correspondence included reminders, updates from Division staff, thank-you letter to Legislators, and the outcomes of staff's various trips and meetings to promote Conservation Districts.

c. The State of Nevada is now following the US General Service Administration travel per diem rates. The travel rates vary by season and location. For current per diem rates, please visit the GSA website at <http://www.gsa.gov>.

VI. REPORTS TO THE COMMISSION

A. Department of Conservation and Natural Resources – Kay Scherer, Deputy Director and Bob Conrad, Communications Officer for Allen Biaggi, Director:

1. Highlights:

a. 2007 Fire Season – there have been 656 fires so far this year. Over 871,000 acres have burned.

b. Angora Fire in the Lake Tahoe Basin – Governor Gibbons and California Governor Schwarzenegger organized and appointed the Nevada and California Blue Ribbon Commission to review forest management practices in the Lake Tahoe Basin.

c. Water Resources – the backlog for water applications is at the lowest it has been since 1980. In 2005 there were a total of 340 protested water applications and in 2006 there were approximately 300-330 protested applications. On August 28th, 2007 there will be hearings for the Dry Lake, Cave and Delamar basins. The Division of Water resources website is: <http://water.nv.gov/>.

d. Yucca Mountain – August 15th in Las Vegas, Federal Judge Robert Hunt, Department of Energy Attorneys and Attorneys for the State of Nevada discussed the drilling and use of the State's water at Yucca Mountain. The Judge did not make a ruling from the bench, but suggested that both parties discuss the issue further.

e. Tahoe Summit – August 17, 2007 will mark the 10th Anniversary of the Lake Tahoe Forum.

f. Environmental Protection – the Climate Change Committee, which Governor Gibbons has appointed, will discuss issues such as global warming and climate change, and how those issues affect the State of Nevada.

g. State Environmental Commission – the commission will meet September 7, 2007 to discuss and consider a petition that has been filed by various environmental and conservation groups asking for a moratorium on the building of the power plants, and that there be some type of limit on the emissions from the coal and power plants in Eastern Nevada. This is the first time that such a petition will be considered in front of the Commission.

h. Nellis Air force Base – in the Northwest corner of the base in a herd management area, 71 wild horses were found dead. There has been a tremendous amount of laboratory testing on the animals and the waterhole. They believe they have isolated the problem as an issue of nitrates in the water, but they are unsure of the cause of the nitrates.

2. Bob Conrad has been essential in the Department's efforts to communicate better with the public. The Department has implemented new ways to communicate and educate the public: an electronic newsletter, a page hosting videos for the Department on www.YouTube.com, and the Department's website. Mr. Conrad has had a very large role in the organization of the Department's website, <http://dcnrnews.wordpress.com/>. This website covers all of the Department of Conservation's news and the activities within the various agencies in the department.

The State Conservation Commission paused the Commission meeting to present Assemblyman James Settelmeyer a plaque to thank him for his hard work, dedication and commitment to the State Conservation Commission and the 28 Conservation Districts in the State of Nevada.

B. Department of Agriculture – Edward K. Foster:

1. Highlights:

- a. Mormon Crickets – the population of Mormon crickets showed no decrease from previous years; however the amount of crickets around urban areas were not as heavily infested this year.
- b. West Nile Virus – the numbers for the virus continue to be lower than the last three years.
- c. Fire Report – Department of Agriculture has created a program to assist farmers and ranchers who have been affected by fire. The Department is looking for donations of hay, water, etc. to assist those producers who have been affected by fire.
- d. Churchill County – The Department of Agriculture was notified the day before the finding of polonium-210 in wells near Fallon dairies went public. There were 25 wells tested, 24 were domestic wells and 1 was a municipal well. Two of the wells that were tested were on dairies, one of the wells tested very high for polonium-210. The two dairy farms began voluntarily dumping 6,000 gallons of milk in to a lagoon to help assure the safety of the milk supply. The dairies have since been cleared to continue business. The Department of Agriculture, along with the USDA and FDA are doing independent testing on the tissue in the cattle and the livestock in the area.

C. University of Nevada, Reno – Dr. Rangesan Narayanan:

1. Highlights:

- a. The UNR College of Agriculture funded the tests of water in Fallon.
- b. The College was trying to get funding for a horticulture program through the Legislature. That bill did not pass due to other legislative priorities that the university had. Senator John Lee is planning on introducing the bill again in the next Legislature.
- c. The UNR College of Agriculture is a sponsor of the "Nevada Grows" event at the Governor's Mansion on September 7, 2007. This event features all Nevada grown products by producers located in the state.

D. Natural Resources Conservation Service – William Elder for Richard Vigil, State Conservationist:

- 1. State Conservationist Richard Vigil has been in Elko meeting with agriculture producers and reviewing fire damage.

2. NRCS Nevada is starting the process for closing out the fiscal year. The budgets are being balanced to see what funds are left over and where those funds can be utilized.
3. There is a vacant State Resource Conservation position. The applications for that position close the end of August. There is also a vacant District Conservationist position in Winnemucca. The applications for this position close August 21, 2007.
4. Farm Bill – Mr. Elder is anticipating a conference report to be released within the next few months. NRCS does not anticipate an advisory letter on the NRCS Budget on the mandatory programs, these are the programs that are funded as a result of the farm bill, such as WHIP, EQIP, etc... until the Farm Bill is complete.
5. Status of NRCS agreement for CD vehicle usage
 - a. A draft form of the agreement was presented to the State Conservation Commission for their review. This agreement was created to clarify the Conservation District's use of the NRCS vehicles. It addresses such issues as who has authority to use the vehicle, what happens in case of an accident, in what capacity is the vehicle being used and who is liable. A copy of the draft agreement is available upon request; please contact Shanea Evans at slevans@dcd.nv.gov or at 775-684-2764.

E. Farm Service Agency – Roger Van Valkenburg:

1. Not present, no report was given.

F. Nevada Association of Conservation Districts – Chris Freeman, Vice-President for Pasty Tomera, President of NvACD:

1. The Nevada Association of Conservation District's Annual Meeting is November 6th & 7th in Winnemucca, NV.
2. The National Association of Conservation District's Annual Meeting will be February 10-13, 2008 in Sparks, NV at the John Ascuaga's Nugget Casino Resort. Volunteers for the meeting will be needed.

VII. OLD BUSINESS

A. Approval of amended Conservation District budgets as per NAC 548.090, 548.100, 548.110 and 548.120.

1. Lincoln County Conservation District amended budget to include additional State funding. Joe Sicking moved to approve the amended budget. Chris Freeman seconded the motion, motion passed.
2. Smith Valley Conservation District amended budget to include additional State funding. Judy Currier moved to approve the amended budget. Donna Lamm seconded the motion, motion passed.
3. Southern Nye County Conservation District amended budget to include additional State funding. Judy Currier moved to approve the amended budget. Joe Sicking seconded the motion, motion passed.
4. Tonopah Conservation District and Carson Valley Conservation District amended budgets were previously submitted and approved.

B. Review and approval of all Conservation District Draft Financial reports FY 2007 as per NAC 548.090 and NAC 548.110.

1. Big Meadow Conservation District – Joe Sicking moved to approve the draft financial report. Chris Freeman seconded the motion, motion passed.

2. Carson Valley Conservation District – Joe Sicking moved to approve the draft financial report. Chris Freeman seconded the motion, motion passed.
3. Conservation District of Southern Nevada – Donna Lamm moved to approve the draft financial report. Ed Foster seconded the motion, motion passed.
4. Clover Valley Conservation District – Joe Sicking moved to approve the draft financial report. Chris Freeman seconded the motion, motion passed.
5. Dayton Valley Conservation District – Judy Currier moved to approve the draft financial report. Vance Vesco seconded the motion, motion passed.
6. Duck Valley Conservation District – no action was taken. A draft financial report was not received. The Commission granted Duck Valley a deadline of September 30, 2007 to submit all missing reports, due to the unforeseeable events that occurred.
7. Esmeralda Conservation District – Donna Lamm moved to approve the draft financial report. Dr. Rangesan Narayanan seconded the motion, motion passed.
8. Eureka Conservation District – Chris Freeman made a motion to approve the draft financial report. Joe Sicking seconded the motion, motion passed.
9. Jiggs Conservation District – Joe Sicking moved to approve the draft financial report. Judy Currier seconded the motion, motion passed.
10. Lahontan Conservation District – Joe Sicking moved to approve the draft financial report. Chris Freeman seconded the motion, motion passed.
11. Lamoille Conservation District – Chris Freeman moved to approve the draft financial report. Joe Sicking seconded the motion, motion passed.
12. Lander County Conservation District – Joe Sicking made a motion to approve the draft financial report. Chris Freeman seconded the motion, motion passed.
13. Lincoln County Conservation District – Joe Sicking made a motion to approve the draft financial report. Chris Freeman seconded the motion, motion passed.
14. Mason Valley Conservation District – Joe Sicking made a motion to approve the draft financial report. Donna Lamm seconded the motion, motion passed.
15. Nevada Tahoe Conservation District – Joe Sicking made a motion to approve the draft financial report. Chris Freeman seconded the motion, motion approved.
16. Northeast Elko Conservation District – Judy Currier made a motion to approve the draft financial report. Eric Rieman seconded the motion, motion passed.
17. Owyhee Conservation District – Chris Freeman made a motion to approve the draft financial reports. Joe Sicking seconded the motion, motion passed.
18. Paradise-Sonoma Conservation District – Chris Freeman made a motion to approve the draft financial report. Judy Currier seconded the motion, motion passed.
19. Quinn River Conservation District – Donna Lamm made a motion to approve the draft financial report. Chris Freeman seconded the motion, motion passed.
20. Ruby Valley Conservation District – Judy Currier made a motion to approve the draft financial report. Chris Freeman seconded the motion, motion passed.
21. Smith Valley Conservation District – Joe Sicking made a motion to approve the draft financial report. Donna Lamm seconded the motion, motion passed.
22. Southern Nye County Conservation District – Judy Currier made a motion to approve the draft financial report. Chris Freeman seconded the motion, motion passed.
23. Starr Valley Conservation District – Joe Sicking made a motion to approve the draft financial report. Chris Freeman seconded the motion, motion passed.

- 24. Stillwater Conservation District – Joe Sicking made a motion to approve the draft financial report. Chris Freeman seconded the motion, motion passed.
- 25. Tonopah Conservation District – Judy Currier made a motion to approve the draft financial report. Donna Lamm seconded the motion, motion passed.
- 26. Vya Conservation District – no action was taken. A draft financial report was not received.
- 27. Washoe-Storey Conservation District – Judy Currier made a motion to approve the financial report. Donna Lamm seconded the motion, motion passed.
- 28. White Pine County Conservation District – Joe Sicking moved conditionally to approve the draft financial report with clarifications of expenditures to Division staff. Judy Currier seconded the motion, motion passed.

C. Determination of District Standing as per NRS 548.178 and as per NAC 548.120.

- 1. Staff Report
 - a. District Report Log – this log is available on the website. This log will inform Districts what reports were received by the Division.
- 2. District/Public Comments
 - a. There were no district or public comments.
- 3. Commission action on Districts in “Good Standing” – ***ACTION***
 - a. Joe Sicking made a motion to approve 25 out of the 28 Conservation Districts to be in “Good Standing”. Chris Freeman seconded the motion, motion passed. The Districts who were not deemed to be in “good standing” at this time are Duck Valley Conservation District, White Pine Conservation District and Vya Conservation District.

D. Equally Award \$140,000 grant funds to districts that have been designated as eligible as per NRS 548.178 and 548.130.

- 1. Award Grants to Conservation Districts in “Good Standing” with Commission approved Conservation District Budgets, Annual Workplans and Financial Reports.
 - a. Chris Freeman made a motion to award \$5,000 grants to 25 out of the 28 Conservation Districts who are in “Good Standing”. Joe Sicking seconded the motion, motion passed.
 - b. Chris Freeman made a motion to conditionally approve Duck Valley Conservation District, White Pine County Conservation District and Vya Conservation District if the required documents for “good standing” are received by September 30, 2007. Judy Currier seconded the motion, motion passed.

**WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION
AMENDMENTS:**

The State Conservation Commission, 901 S. Stewart Street STE #5004, Carson City, NV 89701, 775-684-2760 is proposing the amendment of regulations pertaining to chapter 548 of Nevada Administrative Code. The workshop was set for August 16, 2007 at 1:00pm, at 901 S. Stewart Street, 2nd floor Hearing Room, Carson City, NV 89701. The general purpose of the workshop was to solicit comments from interested persons on the following general topics that were addressed in the proposed regulations:

1. **Amendment of NAC 548.110 (4) – amend language requirement to three meeting to conform to NAC 548.110 (2) and discussion of the 30 day filing requirement. The proposed changes for the regulations are as follows; the red wording indicates current regulation, the blue wording indicates purposed regulation amendments:**
 - a. NAC 548.110 (4) File the agenda for and the minutes taken ~~[at]~~ for at least the required three meetings in subsection (2) ~~[each meeting]~~ with the division within 30 working days after the meeting.
2. **Amendment of NAC 548.110 (5) – amend language to “election of supervisors within the 1st 10 days of November” to conform to NRS and the provision to submit the results before the 30th of the month. The proposed changes for the regulations are as follows; the red wording indicates current regulation, the blue wording indicates purposed regulation amendments:**
 - a. NAC 548.110 (5) Hold an election of ~~[officers]-~~supervisors ~~[before the 10th]~~ on one of the first 10 days of November of each even-numbered year, and submit the results of the election to the commission before the 30th of ~~[the month]~~ November.
3. **Amendment of NAC 548.120 to conform to NRS 548.178 (1) as amended in 2005 to allow for disbursement of other sources of funds as appropriate. The proposed changes for the regulations are as follows; the red wording indicates current regulation, the blue wording indicates purposed regulation amendments:**
 - a. NAC 548.120 (1) The division shall report to the commission at the first meeting of the commission of each new fiscal year the conservation districts that are in good standing as of July 1 of that year. A district that is not in good standing is not eligible to receive a grant of money.
4. **Amendment of NAC 548.120 (3) – amend language to conform with the language in NRS 548.178 (1a & b). The proposed changes for the regulations are as follows; the red wording indicates current regulation, the blue wording indicates purposed regulation amendments:**
 - a. The commission will distribute ~~[any]-~~available grants of money appropriated by the legislature for the commission’s program of Basic Operating Grants to Districts equally among the districts that have been designated as eligible for a grant of money pursuant to subsection 2. ~~[A district that is not in good standing is not eligible to receive a grant of money.]~~
 - b. ~~[4. Any]~~ A grant of money received by a conservation district is for the fiscal year (or years) in which it was granted. Any money which has not been committed for expenditure by July 1 of the next fiscal year must be deducted from any grant awarded for that fiscal year. (Added to NAC by Conservation Comm’n, eff. 12-26-95)
 - c. 4. The Commission may distribute other grants of money provided for programs other than the program identified in subsection 3 in such amounts and subject to such conditions as the Commission determines

appropriate to any conservation district which the Commission determines qualifies for a grant.

5. Workshop Discussion - *ACTION*

- a. Joe Sicking made a motion for Division staff to:
 - i. Develop new language and modify existing language in the regulations discussed in the workshop;
 - ii. Have proposed language reviewed by the Deputy Attorney General;
 - iii. Arrange public hearing for changes to the regulations;
 - iv. Have regulation changes on the next agenda for the State Conservation Commission's review and approval.
- b. Judy Currier seconded the motion, motion passed.

At the close of the Workshop, the State Conservation Commission continued with business on the Agenda:

VII. OLD BUSINESS (CONTINUED)

E. Discuss content and purpose of possible permanent regulation change to NAC 548. Consider impacts to Districts and others such as small business. - ***ACTION***

1. This item was discussed and action was taken during the workshop. Refer to item 5 in the workshop.
2. The Commission determined that the proposed changes to the regulations would have no impact on small businesses or other such industries.

F. Further discussion of alternatives and possible action to distribute newly appropriated State funding to Conservation Districts - ***ACTION***

1. The State Conservation Commission instructed Division staff to consult with the Attorney General's office on this item. This item should be on the next agenda to reflect staffs suggested wording: "the Commission will take action to make equal awards to all 28 Conservation Districts based on them being considered in Good Standing at this point in time. The awards will be an equal sum. The award will be conditioned upon receipt of amended budgets that show the expenditure of the funds. The Commission will then instruct staff to disburse the funds as requested and supported by the budget, but not to exceed the amount budgeted, to those Districts who have received approval from the Commission".
2. Chris Freeman seconded the motion to include the staffs suggested wording (previous item) on the next agenda. Judy Currier seconded the motion, motion passed.

VIII. NEW BUSINESS

A. Reminder that District's Annual Reports and Final Financial Reports for FY 2007 are due by September 30, 2007.

IX. STAFF ITEMS – Division Staff Comments

A. Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements and discussions proposed for action at future meetings.

1. The Division staff had no comments.

X. COMMISSIONER ITEMS

A. Comments, Reports, Items to be included on the next agenda.

XI. PUBLIC COMMENTS

A. Three-minute time limit per person, limited to items not on the agenda.

1. There were no public comments.

XII. NEXT COMMISSION MEETING - *ACTION*

A. Set time and place

1. November 5th & November 7th – evening meetings in Winnemucca, NV. This meeting is concurrent with the NvACD Annual Meeting.

B. Agenda Items

1. Connie Lee – Nevada Division of Wildlife – Landowner Incentive Program

2. Further discussion of alternatives and possible action to distribute newly appropriated State funding to Conservation Districts - *ACTION*

3. Proposed regulation wording to be presented to the State Conservation Commission for review and approval – from the workshop held August 16, 2007.

XIII. ADJOURNMENT - *ACTION*

A. Joe Sicking made a motion to adjourn the meeting at 3:20pm. Judy Carrier seconded the motion, motion passed.

Respectfully Submitted,

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